CHAPTER IV.

TESTMENTARY SUCCESSION.

വിൽ കൊടുക്കുന്നതു നിമിത്തം മെയിൻറനൻസ് കിട്ടാതെ ദോഷം വരരുതു്.

DEPUTY PRESIDENT : അതു മുമ്പു തന്നെ പറഞ്ഞു കഴിഞ്ഞതാണ്.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*) :

11. (i) Neither parents shall have a right to exercise his or her right of '*Will*' so as to defeat the very purpose of the maintenance rights provided for their minor children as established by Chapter III.

(ii) Notwithstanding anything that may be contained in their Parents' 'Wills', minor children's right to maintenance shall remain prior charges irrevocable, on such willed property, unless and until adequate maintenance be otherwise provided for them by their parents.

മൈനർ ചിൽഡ്രൻറ മെയിൻറനൻസുറൈറ്സു മാത്രമെ ള്ളൂ. അതിനെ ഡിഫീറു ചെയ്യത്തക്ക വിധത്തിൽ വിൽപ്പിങ്ങ് റൈറിനെ ഉപയോഗിക്കാൻ പാടില്ല എന്നെയുള്ളൂ.

ഇങ്ങിനെ രണ്ടു ക്ലാസുകളാണ് അതിനെപ്പററി ഉള്ളതു്.

CHAPTER V.

INTESTATE SUCCESSION.

NOTE.—The distribution of the self-acquired and separate property of an intestate shall be according to the following rules :—

SUCCESSION TO AN INTESTATE MALE.

12. When a male dies intestate, the next of kin in the order set forth below shall be entitled to succeed to the self-acquired and separate property left undisposed of by him at his death.

GROUPS OF HEIRS.

(1) Widow or widows, sons and daughters and the lineal descendants of such sons or daughters as shall have predeceased the intestate.

(*a*) On the death of a male leaving him surviving widow or widows and also children, the lineal descendants of deceased children, or all, they shall take the whole of the self-acquired and separate property left undisposed of by him at his death ; in the absence of the widow, the children and the lineal descendants of deceased children shall take the whole, and in the absence of the widow and children, the lineal descendants of deceased children shall take the whole.

The widow or widows, if there are more than one, shall each be entitled to a share equal to that of a son or daughter.

Sons and daughters shall take the property in equal shares, provided that if a son or daughter shall have predeceased the intestate, the lineal descendants of such son or daughter shall take the share which such son or daughter would have taken had he or she survived the intestate.

(*b*) Grand-children shall take in equal shares what their father or mother would have taken had he or she survived the intestate. In like manner, the property shall go to the surviving lineal descendants of the intestate, where they are all in the degree of great grand-children to him or in a more remote degree.

(*c*) In the absence of children and lineal descendants of how-low-so-ever a degree, a widow shall be entitled to a third of the self-acquired and separate property of the deceased ; the remaining two-thirds shall in such cases, devolve on the father and the mother in equal shares ; in the absence of the father or mother, the widow shall get an equal share with that of the surviving parent, in the absence of both father and the mother, the childless widow shall get the whole.

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[Mr. L, R, Raja raja varma Koiltampuran.]

ഇൻറസ്റ്റേറ്റ് സക്സഷൻ ഈ വിധം ഇൻഡ്രഡ്യൂസ്ചെയ്യുന്നതിൽ വലിയ അഭിപ്രായവ്യത്യാസമില്ല. ഇൻറസ്റ്റേറ്റു ചെയ്യുന്നില്ലെങ്കിൽ അതു് മൂച്ചൽ ബെനിഫിറ്റ്ഫണ്ടിലേക്ക് ചേരണം. അതിനു് വേറെ പ്രൊവിഷൻ ഉണ്ടാക്കിയിട്ടുണ്ട്. ഇൻറസ്റ്റേറ്റു് ഗ്രാൻറു് ചിൽഡ്രൻ, അതിൽപിന്നീടുള്ളവർ, എന്നിങ്ങനെ പടിപടിയായി പോയാൽ ഒരിക്കലും തീരാത്ത അവകാശക്രമമാണു്. ഒരു സ്റ്റേജ് കഴിഞ്ഞു് ഇൻഹെരിറൻസ് ശേഷമുള്ള മുഴുവനും മൂച്ചൽബെനിഫിറ്റ് ഫണ്ടിൽ ചേരണമെന്നാണ് എൻെറ ഉദ്ദേശം. അതു നിമിത്തം പിൻതുടച്ചാവകാശത്തിൽ അല്പവ്യത്യാസം വരുത്തിയാണ് എഴുതിയിട്ടുള്ളതു്.

(2) In the absence of heirs mentioned in Group (1) above, the father and the mother shall be entitled to succeed to the self-acquired and separate property of the deceased in equal shares and in the absence of one of these two, the other shall take the whole.

(3) In the absence of heirs mentioned in Groups (1) and (2), brothers and sisters of full-blood and the lineal descendants of such of them as shall have predeceased the intestate, shall be entitled to succeed to his self acquired and separate property in equal shares; the lineal descendants of the predeceased brothers or sisters shall be entitled only to such shares as their ascendants, if alive, would have taken.

(4) In the absence of the heirs mentioned in the previous groups, brothers and sisters of half blood by the same mother only and the lineal descendants of such of them as shall have predeceased the intestate, shall be entitled to succeed to the self-acquired and separate property left undisposed of by him.

(5) In the absence of the heirs mentioned in the previous groups, the self-acquired and separate property of a deceased male shall devolve on his grandmother and the members of her Thavazhee.

ഇതിൽ കൊണ്ടുവന്നിരിക്കുന്നദായക്രമം നായർ റഗുലേഷനിൽ നിന്നുംഅല്പവ്യത്യാസമുള്ളതാണു്.

ഇതിൽ ഭാര്യക്കും ഭർത്താവിനും പിൻവഴി അവകാശം തുല്യമാക്കിയിട്ടുണ്ടു്.

(6) In the absence of heirs mentioned in the previous Groups (1) to (5) inclusive the self-acquired and separate property left undisposed of by him at his death shall devolve on the "Mutual Benefit Fund" of Chapter VIII and be absorbed therein.

13. SUCCESSION TO AN INTESTATE FEMALE.

The provisions contained in Section 12 with husband substituted for widow shall apply *Mutatis Mutandis*.

14. GENERAL.

മിസ്റ്റർ മാധവൻപിള്ള കൊണ്ടുവന്നിട്ടുള്ള അടുത്ത ബില്ലിലേക്കു് സിൽ അല്പ വ്യത്യാസത്തോടുകൂടി കൊണ്ടുവന്നിട്ടുള്ള ക്ലാസാണു് ഇനിയത്തേതു്.

Property acquired by the husband or father, for the wife and children or by the wife or mother for the husband and children, or obtained by gift or inheritance shall

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